

FEE TRANSMITTAL
for FY 2003
(Small Entity)

1647\$
Complete if Known

Application Number 09/386,450

Filing Date August 31, 1999

First Named Inventor HÖTTEN et al

Examiner Name D. Romeo

Group Art Unit 1647

Total Amount of Payment (\$55

Attorney Docket Number 2923-0278

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METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.

2. ☐ Payment Enclosed:

☐ Check

☐ Credit Card

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
2001	375	Utility filing fee	[]
2002	165	Design Filing Fee	[]
2003	260	Plant Filing Fee	[]
2004	375	Reissue Filing Fee	[]
2005	80	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

	Extra Claims	Fee	Fee Paid
Total Claims [] - 20** = [] x		\$ 9 =	[]
Independent Claims [] - 3** = [] x		42 =	[]
Multiple Dependent Claims +		140 =	[]

**or number previously paid, if greater;

SUBTOTAL \$

FEE CALCULATION (continued)

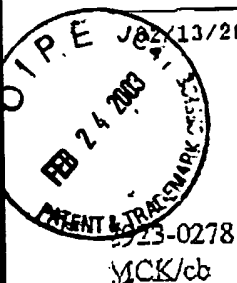
3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[]
2052	25	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840*	Requesting publication of SIR after Examiner action	[]
2251	55	Extension for reply within first month	[]
2252	205	Extension for reply within second month	[]
2253	465	Extension for reply within third month	[]
2254	725	Extension for reply within fourth month	[]
2255	985	Extension for reply within fifth month	[]
2401	160	Notice of Appeal	[]
2402	160	Filing a brief in support of an appeal	[]
2403	150	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
2452	55	Petition to revive -unavoidable	[]
2453	650	Petition to revive - unintentional	[]
2501	650	Utility issue fee (or reissue)	[]
2502	235	Design issue fee	[]
2503	315	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
8021	40	Recording each patent assignment per property (times number of properties)	[]
2809	375	Filing a submission after final rejection (37 CFR .129(a))	[]
2810	375	For each additional invention to be examined (37 CFR 1.129(b))	[]
2801	375	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing an application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
Other fee		Terminal Disclaimer	[\$55]

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$ 55

SUBMITTED BY		Complete (if applicable)
NAME AND REG. NUMBER	Monica Chin Kitts, Reg. No. 36,105	<i>M. C. Kitts</i>



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

HÖTTEN et al

Serial No. 09/386,450

Filed: August 31, 1999

For: NEW GROWTH/DIFFERENTIATION FACTOR OF THE TGF- β FAMILY)

)
)
)
) Examiner: D. Romeo
)
) Group Art Unit: 1647
)

28

TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner, Biopharm Gesellschaft zur biotechnologischen Entwicklung von Pharmaka mbH, through its undersigned authorized officer, represents that it is the assignee of the entire interest in the subject application, Serial No. 09/386,450, filed on the 31st day of August, 1999, for New Growth/differentiation factor of the TGF- β Family, and that an assignment to it has been recorded in the U.S. Patent and Trademark Office at Reel 7252 and Frame 0028.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any prior Patent No. 6,120,760. Petitioner hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and

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during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all assignments, chain of title, or other evidentiary documents accompanying or referred to in this Terminal Disclaimer and certifies to the best of the undersigned's knowledge and belief that title is in Petitioner.

The undersigned, whose title is supplied below, is empowered to act on behalf of Petitioner.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

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ROTHWELL, FIGG, ERNST & YOUNG

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1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Biopharm Gesellschaft zur biotechnologischen
Entwicklung von Pharmaka mbH

By: 

Signature

Typed Name: Dr. MICHAEL KRUSE

Typed Title: HEAD PATENT RELATED ISSUES

Date: 02/18/03



BIOPHARM

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Entwicklung von Pharmaka mbH
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